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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

<b>LILLY ARMSTEAD,</b>	) <b>Case No.:</b>
<b>Plaintiff.</b>	)
<b>v.</b>	) <b>COMPLAINT FOR DAMAGES</b>
<b>PORTFOLIO RECOVERY</b>	) <b>1. VIOLATION OF THE FAIR</b>
<b>ASSOCIATES, LLC</b>	) <b>DEBT COLLECTION PRACTICES</b>
<b>Defendant.</b>	) <b>ACT, 15 U.S.C. §1692 ET. SEQ.;</b>
	) <b>2. VIOLATION OF THE</b>
	) <b>ROSENTHAL FAIR DEBT</b>
	) <b>COLLECTION PRACTICES ACT,</b>
	) <b>CAL. CIV. CODE §1788 ET. SEQ.;</b>
	)
	) <b>JURY TRIAL DEMANDED</b>
	)
	)
	)
	)

**COMPLAINT**

LILLY ARMSTEAD (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC (“Defendant”):

## INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA"), the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788, *et seq.* ("RFDCPA").

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Supplemental jurisdiction over all state law claims is proper pursuant to 28 U.S.C. § 1367 *et seq.*

4. Defendant conducts business in the State of California and as such, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

## PARTIES

6. Plaintiff is a natural person residing in Los Angeles, California 90062.

7. Plaintiff is a "person" as that term is defined by 47 U.S.C. § 153(39).

1           8. Plaintiff is a “consumer” as that term is defined by 15 U.S.C.  
2 §1692a(3) and is a “debtor” as defined by Cal. Civ. Code §1788.2(h).

3           9. Defendant is a national debt collection company with its corporate  
4 headquarters located at 120 Corporate Boulevard, Norfolk, Virginia 23502.

5           10. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §  
6 1692a(6), and RFDCPA, Cal. Civ. Code §1788.2(c), and contacted Plaintiff in an  
7 attempt to collect a debt.  
8

9           11. Defendant acted through its agents, employees, officers, members,  
10 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
11 representatives, and insurers.  
12

### 13                                   **FACTUAL ALLEGATIONS**

14           12. Upon information and belief the debt at issue arose from consumer  
15 transactions.  
16

17           13. Plaintiff does not have any business or commercial debts, so the debt  
18 at issue must be a personal debt incurred primarily for personal, family or  
19 household purposes.  
20

21           14. Between April 2016 and October 2016, Defendant placed repeated  
22 harassing telephone calls to Plaintiff.  
23

24           15. Defendant’s calls originated from phone numbers including, but not  
25 limited to the following number: (757) 512-8397.  
26

1           16. Plaintiff told Defendant on numerous occasions during that time that  
2 she disputed owing the debt and to stop calling.

3           17. Once Defendant knew its calls were unwanted any further calls could  
4 only have been placed for the purpose of harassing Plaintiff.

5           18. Despite Plaintiff's repeated demands to stop calling, Defendant  
6 instead continued to call Plaintiff daily through October 2016.

7           19. Plaintiff has also placed calls to Plaintiff before 8:00am and after  
8 9:00pm, which were inconvenient times for Plaintiff to receive calls.

9           20. Frustrated and overwhelmed by Defendant's repeated calls, Plaintiff  
10 downloaded an application to her cellular telephone to block Defendant's calls.

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15                           **COUNT II**  
16                   **DEFENDANT VIOLATED § 1692d and d(5) OF THE FDCPA**

17           21. A debt collector violates § 1692d by engaging in any conduct the  
18 natural consequence of which is to harass, oppress, or abuse any person in  
19 connection with the collection of a debt.

20           22. A debt collector violates § 1692d(5) by causing a telephone to ring or  
21 engaging any person in telephone conversation repeatedly or continuously with  
22 intent to annoy, abuse, or harass any person at the called number.

1           23. Defendant violated both sections of the FDCPA when it placed  
2 repeated harassing telephone calls to Plaintiff and continued to call knowing its  
3 calls were unwanted.  
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6                                   **COUNT II**  
7                                   **DEFENDANT VIOLATED § 1692c(a)(1) OF THE FDCPA**

8           24. A debt collector violates § 1692c(a)(1) if without the prior consent of  
9 the consumer given directly to the debt collector or the express permission of a  
10 court of competent jurisdiction, it contacts a consumer at an unusual time or place  
11 or a time or place known or which should be known to be inconvenient to the  
12 consumer.  
13

14           25. Defendant violated § 1692c(a)(1) when it contacted Plaintiff prior to  
15 8:00am and after 9:00pm on occasion.  
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17  
18                                   **COUNT III**  
19                                   **DEFENDANT VIOLATED THE RFDCPA**

20           26. A debt collector violates section 1788.17 of the California Civil Code  
21 by failing to comply with sections 1692b through 1692j of the FDCPA.  
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23           27. Defendant violated section 1788.17 of the California Civil Code  
24 when it violated the FDCPA for the reasons set forth in this Complaint.  
25  
26  
27  
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1 WHEREFORE, Plaintiff, LILLY ARMSTEAD, respectfully prays for a  
2 judgment as follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);  
4  
5 b. Statutory damages of \$1,000.00 for the violation of the FDCPA  
6 pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
7  
8 c. All reasonable attorneys' fees, witness fees, court costs and other  
9 litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §  
10 1693k(a)(3);  
11  
12 d. All actual damages, statutory damages, reasonable attorney's fees and  
13 costs, and any other litigation costs incurred by Plaintiff pursuant to  
14 the RFDCPA at Cal. Civ. Code § 1788.17;  
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16 g. Any other relief deemed appropriate by this Honorable Court.  
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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, LILLY ARMSTEAD, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C..

DATED: April 14, 2017

By: /s/Amy Lynn Bennecoff Ginsburg

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